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CONTEMPORARY FORMS OF SLAVERY

Written statement by Human Rights Watch, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 July 1995]

Contemporary forms of slavery in Pakistan

1. Millions of workers in Pakistan are held in contemporary forms of slavery. Throughout the country, employers forcibly extract labour from adults and children, restrict their freedom of movement and deny them the right to negotiate the terms of their employment. Employers coerce such workers into servitude through physical abuse, forced confinement and debt-bondage. The State offers these workers no effective protection from this exploitation. Although slavery is unconstitutional in Pakistan and violates various national and international laws, State practices support its existence. The State rarely prosecutes or punishes employers who hold workers in servitude. Moreover, workers who contest their exploitation are invariably confronted with police harassment, often leading to imprisonment under false charges.

2. Debt-bondage in Pakistan is endemic and widespread. It is one of the forms of slavery proscribed by the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, in which it is defined as "the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or length and nature of those services are not respectively limited and defined". Pakistani laws, such as the Bonded Labour (Abolition) Act 1992, are consistent with international laws which seek to eliminate the bonded labour system. But those laws are not adequately enforced. The International Labour Organization (ILO), in its World Labour Report 1993, assesses the problems of debt-bondage in Pakistan to be among the worst in the world. There are no reliable statistics on the number of bonded labourers. Indeed, the difficulty involved in obtaining accurate numbers gives some indication of the magnitude of the problem. While some NGOs estimate that the numbers range into the millions, there is little doubt that at least thousands of persons in Pakistan are held in debt-bondage, many of them children.

3. Bonded labourers in Pakistan suffer a range of violations of internationally recognized human rights. These include the right not to be held in slavery or servitude, the right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation, the right not to be arbitrarily arrested, the right to liberty of movement and the right to freedom of association, including the right to form and join trade unions. 1/ The Government of Pakistan is complicit in these violations, both by the direct involvement of the police, who consistently arrest bonded labourers under false charges, and through the State's failure to enforce its obligation to protect the rights of bonded labourers guaranteed under national and international law.

4. Debt-bondage is particularly common in the areas of agriculture, brick-making, carpet-weaving, mining and handicraft production. Bonded labour is most widespread in agriculture, particularly in the interior of Sindh and in southern Punjab where land distribution is highly inequitable. Debt-bondage in agrarian regions involves the purchase and sale of peasants among landlords, the maintenance of private jails to discipline and punish peasants, the forcible transfer of teachers who train peasants to maintain proper financial accounts, and a pattern of intimidation of peasant women through rape by landlords and the police.

5. Brick-kilns, which are located on the outskirts of most major cities and towns in Pakistan, operate almost exclusively on the basis of debt-bondage. Bonded labour is also prevalent in the mining industry of Baluchistan, and in Sindh many handicraft labourers are bonded to merchants. Merchants frequently use the police to maintain their control over bonded handicraft labourers. Bonded labourers are also used in the export-oriented carpet-weaving industry. The investigation conducted by Human Rights Watch/Asia, in addition to other studies, 2/ indicates that a high proportion of carpet workers are children, many of whom are bonded. In many cases, it is the parents who force the children to work. In some situations, particularly in the Thar area of Sindh,

children are separated from their families and forced to live and work in enclosed areas which have several carpet looms. Harsh punishments are often meted out to children deemed to be inefficient, involving beating and, in some cases, sexual abuse.

6. The Government of Pakistan is responsible for the maintenance of the bonded labour system. The complicity of the State in the bonded labour system is explicitly illustrated by the fact that employers of bonded labourers are rarely arrested, prosecuted, or punished for holding workers in bondage, or for the illegal confinement, rape or physical abuse of bonded labourers. The failure to punish those who hold labourers in bondage is a clear signal from the Government of Pakistan that the bonded labour system can be maintained with impunity.

7. The police use the coercive apparatus of the State to punitively arrest bonded labourers. For example, bonded labourers who file charges against an employer, attempt to organize other workers, leave their place of work or are disliked by a particular employer can be arrested and put into a lock-up or jail. While illegally detained in lock-ups, bonded labourers are often physically, sexually and psychologically abused. Torture is used to force labourers to desist from registering cases against their employers, extract bribes and intimidate or humiliate the detainees. Labourers have been beaten with sticks, stripped naked, hung upside down, burned with cigarettes, beaten on the genitals and have had their legs pulled apart. Women prisoners are often held in custody indefinitely and suffer a consistent pattern of sexual assault, including rape. Outside jail, bonded labourers are also subject to frequent physical abuse and torture. Over 90 per cent of bonded labourers interviewed by Human Rights Watch/Asia were victims of work-related violence. Such violence ranges from mild beatings to outright torture. Bonded labourers who disobey employers' orders are beaten with such regularity that many of them consider physical abuse intrinsic to their work. Women held in servitude suffer particular hardship. Women bonded labourers are frequently sexually assaulted. If women bonded labourers seek legal recourse after sexual assault, they are subject to a series of laws which equate rape with adultery, an offence for which they can be punished under Pakistan's Hudood Ordinances. While all bonded labourers are victims of a consistent pattern of abuse, Christian bonded labourers suffer double exploitation as religions minorities and as bonded labourers.

8. The bonded labour system makes extensive use of children. Children either work alongside their bonded families or are sold individually into bondage. The widespread existence of bonded child labour in Pakistan is particularly appalling as the Government, which is a party to the Convention on the Rights of the Child, has repeatedly pledged to ban all forms of child labour in Pakistan.

9. An effective programme to eradicate the bonded labour system in Pakistan requires the concerted and sustained effort of the international community. The Working Group on Contemporary Forms of Slavery should press the Commission on Human Rights to censure the Government of Pakistan for its failure to comply with international laws and standards outlawing bonded labour. As a

step towards ending bonded labour in Pakistan, Human Rights Watch/Asia recommends that the Working Group undertake a fact-finding mission to Pakistan, and make recommendations for measures Pakistan could take to eliminate bonded labour.

Notes

1/ All of these rights are contained in the International Covenant on Civil and Political Rights. Pakistan is not a party to that Covenant; however, most of these standards are universally recognized as part of customary international law and therefore binding on all States. In addition, some of these rights are enshrined in ILO Conventions to which Pakistan is a party. Pakistan ratified the ILO Convention on Forced Labour (No. 29) in 1957, the Convention on Abolition of Forced Labour (No. 105) in 1960, the Convention on Freedom of Association (No. 87) in 1951, and the Convention on Collective Bargaining (No. 98) in 1952.

2/ See National Commission for Child Welfare and Development, Special Education and Social Welfare Division, Government of Pakistan and UNICEF, Discover the Working Child (Pakistan, 1990); and Centre for the Improvement of Working Conditions and Environment, Labour Department, Government of Punjab and UNICEF, Child Labour in Carpet-weaving Industry in Punjab (Pakistan, 1992).

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